



Palm Beach County
CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS (CBAA)
SITTING AS THE
LOCAL CONSTRUCTION REGULATION BOARD (LCRB)
MARCH 12, 2020 MEETING
MINUTES

I. ADJOURN AS CBAA/RECONVENE AS THE LOCAL CONSTRUCTION REGULATION BOARD

Margie Walden, Acting Chair, adjourned the CBAA meeting and reconvened as the LCRB at approximately 2:09 PM. The meeting was conducted in Room 1W-47, Palm Beach County Planning, Zoning and Building Department, 2300 N Jog Road, West Palm Beach, FL.

✦ Attendance:

Members Present

Bart Rasper, *Plumbing Contractor*
Manuel Oyola, *Roofing Contractor*
Margie Walden, *Public At-Large*

Steven Markel, *HVAC Contractor*
Justin McIntosh, *Alternate Public At-Large*

Members Absent

Ron Dixon, *Engineer, Chair*
Fred K. Kutscher, *Electrical Contractor*

Rex Kirby, *Division 1 Contractor, Vice Chair*
Jessica Dornblaser, *Architect*

Others Present

Doug Wise, *Building Official (PBC)*
Anne Helfant, *Assistant County Attorney*
Jacquelyn Anderson, *Recording Secretary*
Jamie Illicete, *Contractor Certification Field Investigator (PBC)*
Michael Pereira, *Palm Home Improvement, Inc.*

Shannon Fox, *Assistant County Attorney*
Chelsea Koester, *Assistant County Attorney*
Nicole Davis, *Administrative Assistant (PBC)*
Arlene Strauss, *Homeowner*
Spencer Golden, *Attorney*

A. Approval of Minutes

- ✦ Mr. Oyola made a motion to approve the November 14, 2019 meeting minutes. Mr. Rasper seconded the motion. The motion carried unanimously.

II. OLD BUSINESS

- A. 2016-0013/2018-19957 – Michael Pereira [CGC-1512017 & CGC-1525732] – PALM HOME IMPROVEMENT, INC.

Ms. Anderson administered an oath to all witnesses testifying in the matter.

Mr. Wise stated County staff met with the contractor, his attorney and Ms. Strauss, and the parties were present to provide an account of their progress.

Ms. Fox stated that County staff should provide a synopsis and County's position, and afterwards witnesses can give statements.

Mr. Wise stated this is a continuation of a previous meeting, at which time the Board found the contractor guilty of all the counts alleged in the Administrative Complaint. The Board suspended the penalty phase to allow the parties to try to come to a resolution. The recommended penalty in the Administrative Complaint was a one-year suspension of permit-pulling privileges.

Ms. Strauss stated the situation has been difficult and has caused her stress. She stated the situation began in 2014, with violations in the Florida room. Ms. Strauss stated that she and her husband did their due diligence to hire a licensed contractor, made the payments according to the contract schedule. She was unaware that permits were not pulled.

Ms. Strauss presented a copy of an application to the Yarmouth Condominium Association and the Notice of Commencement

to be admitted into evidence.

Mr. Golden had no objection.

Ms. Strauss explained the actions she has taken to try to resolve the situation with other contractors.

Board members questioned Ms. Strauss and Staff. Discussion ensued.

Ms. Strauss presented copies of hand-written notes of expenses incurred and duct repair estimate to be admitted into evidence.

Mr. Golden had no objection.

Board members questioned Ms. Strauss. Discussion ensued.

Ms. Strauss presented a copy of a Cease and Desist Order email exchange with Mr. Golden to be admitted into evidence.

Mr. Golden had no objection.

Ms. Strauss summarized the email exchange regarding the Cease and Desist Order.

There was no additional questioning by the Board.

Mr. Golden spoke to the Board on behalf of Mr. Pereira. He summarized the case against Mr. Pereira and read a written statement regarding Mr. Pereira's dealings with Ms. Strauss. Mr. Golden stated that although he and his client attempted to come to an amicable resolution and a reasonable settlement agreement, it appeared from Ms. Strauss's statements and actions that she was unwilling to reach a reasonable settlement agreement.

Mr. Golden summarized the events that had occurred since the last Board meeting. Mr. Golden concluded that his client was unable to reach an agreement Ms. Strauss, and requested that the Board not impose any penalty because Mr. Pereira had already lost business and had already been penalized by the harm that Ms. Strauss caused by smearing Mr. Pereira's reputation with statements she made to First Service and The Home Depot.

Mr. Golden presented a packet of email correspondence to be admitted into evidence.

Ms. Strauss had no objection.

Board members and Ms. Fox questioned Mr. Golden. Discussion ensued.

Mr. Golden stated his client would like to settle the matter and stipulate to the proposal discussed previously, which was roughly \$14,000 and enter into a settle agreement to resolve the issues before the Board. The settlement agreement could be drafted by the following Monday.

Discussion ensued.

- ✦ Mr. Markel made a motion to table the case for 30 days and suspend the Respondent's permit-pulling privileges for 30 days in Palm Beach County pending the potential settlement with the homeowner to completion. Mr. Oyola seconded the motion.

Discussion ensued.

- ✦ Mr. Markel amended the motion from "30 days" to "until the next meeting".

Discussion ensued.

- ✦ Mr. Markel restated the motion that the matter be tabled until the next meeting of the LCRB and that the contractor's permit-pulling privileges in Palm Beach County be suspended until that time, pending a release or otherwise satisfaction of this matter between the parties.

Discussion ensued.

- ✦ Mr. Oyola seconded the amended motion.

Discussion ensued.

Mr. Golden expressed concern that there may not be an April 9, 2020 meeting due to the COVID-19 virus situation.

Discussion ensued.

- ✦ Mr. Markel made an addendum to the amended motion that the Respondent's permit-pulling privileges could be restored at the discretion of the Building Official, upon substantive completion of the arrangement of the two parties, and time served.

Discussion ensued.

- ✦ Mr. Markel clarified that the Respondent will still be required to come back before the Board for final penalty.

Discussion ensued.

- ✦ Mr. Oyola seconded the second amended motion.

- ✦ Ms. Walden called the question. The second amended motion passed unanimously.

III. NEW BUSINESS

None.

IV. BOARD MEMBER COMMENTS

Mr. Markel asked who would make a determination if there would be a meeting on April 9, 2020.

Mr. Wise stated that typically the Chair makes the determination.

V. STAFF COMMENTS

A. June 2020 CBAA Meeting

Ms. Fox stated the County Attorney's office has their annual Attorney's conference in Orlando on the date of the June 11 meeting. Neither Ms. Fox nor Ms. Koester will be at present at that meeting, and it will be difficult to provide coverage for the meeting since most of the County Attorney's office will be at the conference. Ms. Fox asked the Board if they wanted to meet without counsel or move the meeting.

Discussion ensued.

- ✦ Mr. Oyola made a motion to move the June meeting to June 4, 2020 and not to meet in July 2020. Mr. Rasper seconded the motion. The motion passed unanimously.

B. Next meeting will be April 9, 2020.

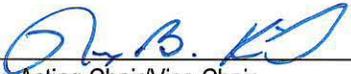
C. Mr. Wise stated that all five buildings in Boynton Waters had been demolished.

VI. ADJOURN AS LOCAL CONSTRUCTION REGULATION BOARD (LCRB)

✦ Mr. McIntosh made a motion to adjourn the meeting. Mr. Oyola seconded the motion. The motion passed unanimously.

Acting Chair Ms. Walden adjourned the meeting as the LCRB at approximately 3:08 PM.

Signed for the Board by,



Rex Kirby, Acting Chair/Vice Chair

Respectfully submitted by
Jacquelyn Anderson
Recording Secretary